

UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

DAIRY, LLC,

Plaintiff,

v.

MILK MOOVEMENT, INC., *et al.*,

Defendant.

Case No. 2:21-cv-02233-WBS-AC

ORDER (1) SETTING SETTLEMENT CONFERENCE, (2) REQUIRING PERSONAL ATTENDANCE BY CERTAIN INDIVIDUALS, (3) REQUIRING SETTLEMENT CONFERENCE STATEMENT MEETING CERTAIN PARAMETERS, AND (4) SCHEDULING PRE-CONFERENCE DISCUSSION

Magistrate Judge Jeremy D. Peterson will hold a settlement conference in courtroom 9, 13<sup>th</sup> floor on December 13, 2022, at 10:00 a.m. The court expects that the parties will proceed with the settlement conference in good faith and attempt to resolve all or part of the case. If any party believes that the settlement conference will not be productive, that party shall so inform the court as far in advance of the settlement conference as possible. Unless otherwise specifically authorized by the court in advance of the settlement conference, the following individuals must participate in the settlement conference: (1) all of the attorney(s) who will try the case; (2) the parties; and (3) individuals with full authority to negotiate and settle the case, on any terms.

No later than November 29, 2022, each party must submit to Judge Peterson's chambers at jdorders@caed.uscourts.gov a confidential settlement conference statement. These statements should neither be filed on the docket nor served on any other party. The statements should be marked "CONFIDENTIAL" and should state the date and time of the conference. While brevity

1 is appreciated, each statement must include:

2       (1) a brief recitation of the facts;

3       (2) a discussion of the strengths and weaknesses of the case, from your party's  
4 perspective;

5       (3) an itemized estimate of your party's expected costs for further discovery, pretrial, and  
6 trial matters, in specific dollar terms;

7       (4) your best estimate of the probability that plaintiff will obtain a finding of liability  
8 should this case proceed to trial, in percentage terms;

9       (5) should this case proceed to trial and defendant be found liable, please provide the  
10 following, in specific dollar terms:

11           (a) a realistic high-end recovery estimate (*i.e.*, realistic best- or worst-case  
12 scenario)

13           (b) a realistic low-end recovery estimate (*i.e.*, realistic worst- or best-case  
14 scenario), and

15           (c) a best estimate of the most likely outcome;

16       (6) a history of settlement discussions, including:

17           (a) a statement of your expectations for settlement discussions;

18           (b) a listing of any past and present settlement offers from any party (including all  
19 terms);

20           (c) whether your party would consider making the opening offer or demand, and  
21 what that offer might be<sup>1</sup>;

22       (7) a list of the individuals who will be participating in the settlement conference on your  
23 party's behalf, including each participant's name and, if appropriate, title;

24       (8) identification of any related cases or of any other cases that the parties might wish to  
25 discuss at this settlement conference; and

26       (9) a completed worksheet (blank version attached) highlighting your responses to certain

27  
28       

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<sup>1</sup> Please note that Judge Peterson will consider this response, among others, in evaluating  
whether proceeding with a settlement conference appears worthwhile.

1 of the above questions.

2 In addition, a joint statement quoting the specific proposed language for the Settlement  
3 Agreement and Affidavit including each party's contentions with respect thereto.

4 Judge Peterson will hold a short, pre-settlement conference telephone discussion on  
5 December 6, 2022 at 2:00 p.m. (dial-in number: 1-888-557-8511; passcode: 1273468). Only the  
6 lead attorney from each side<sup>2</sup> should participate. At Judge Peterson's discretion, the joint  
7 telephonic discussion may be followed by private telephonic discussions between the judge and  
8 each party.

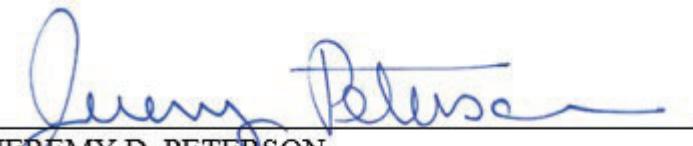
9 In accordance with the above, it is hereby ORDERED that:

10 1. A pre-settlement conference is set before Magistrate Judge Peterson on December 6,  
11 2022 at 2:00 p.m.

12 2. A settlement conference is set before Magistrate Judge Peterson in courtroom 9, 13<sup>th</sup>  
13 floor on December 13, 2022, at 10:00 a.m.

14 3. No later than November 29, 2022, each party must submit a confidential settlement  
15 conference statement, as described above, to Magistrate Judge Peterson.

16  
17 Dated: October 14, 2022

  
18 JEREMY D. PETERSON  
19 UNITED STATES MAGISTRATE JUDGE

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28 <sup>2</sup> The court expects that the attorneys participating in the telephone discussion will also  
participate in the settlement conference.

## Pre-Settlement Worksheet

<i>Please fill in each value below</i>	
<i>Additional cost to your party expected for . . . discovery</i>	\$
. . . pretrial	\$
. . . trial	\$
<i>Estimated probability of liability finding</i>	%
<i>Realistic high-end estimate of recovery by P</i>	\$
<i>Realistic low-end estimate of recovery by P</i>	\$
<i>Best estimate of recovery by P</i>	\$
<i>Last offer/demand (if any) previously made by your party</i>	\$
<i>Last offer/demand (if any) previously made by opposing party</i>	\$
<i>Proposed next offer/demand by your party</i>	\$